

**SUPPLEMENTAL
STAFF REPORT**

Meeting Date: April 16, 2003

TO: LAFCO COMMISSIONERS

FROM: Everett Millais, Executive Officer

STAFF: Hollee King Brunsky, AICP, Planner III

SUBJECT: LAFCO 03-03 City of Oxnard Reorganization – Fifth and Patterson LLC /
LAFCO 03-04 Calleguas Municipal Water District – Fifth and Patterson
LLC

RECOMMENDATIONS:

- A.** Adopt the attached updated resolution (LAFCO 03-03) making determinations and approving City of Oxnard Reorganization – Fifth & Patterson, LLC.
- B.** Adopt the attached updated resolution (LAFCO 03-04) making determinations and approving the Calleguas Municipal Water District Annexation – Fifth & Patterson, LLC.
- C.** Accept the EIR, dated December 2002, and adopt the mitigation measures as prepared by the City of Oxnard.

DISCUSSION:

Continuance

Attached is the staff report for the above referenced proposals that was distributed for the March 19, 2003 Commission meeting. These matters were continued due to a possible conflict of interest by County Counsel who also advises the County Airport Authority. Because the County Airport Authority decided NOT to waive conflict of interest limitations that could allow County Counsel to advise the Commission regarding these matters, the items were continued to April 16, 2003 until LAFCO could obtain outside legal counsel.

The Ventura County Counsel and the Santa Barbara County Counsel have an informal agreement about reciprocal services for these types of potential conflicts of interest relating to LAFCO. Alan Seltzer, Chief Assistant County Counsel of Santa Barbara County has reviewed these proposals with staff and will be attending the April 16, 2003 meeting.

Updated Resolutions

The date of March 19, 2003 has been changed to April 16, 2003 to reflect the new meeting date of the proposal.

Issues relating to a potential school site

Mitigation Agreement

Since the March meeting LAFCO has received correspondence from interested individuals regarding an issue surrounding a mitigation agreement between the developer, Fifth and Patterson LLC, and the Oxnard School District. The mitigation agreement requires the developer to pay Tier II school impact fees to the District. However, also included in the agreement are provisions that would require the developer to advance money to the District to assist in determining whether or not the District desires to proceed with acquisition of a school site and if the District elects to acquire the site, provides procedures for the determination of a purchase price. The provision for a possible school site for the Oxnard School District is not a requirement or condition of the District to serve the proposed development in the proposal area. As the mitigation agreement was referenced in the correspondence, it is being transmitted as background information.

EIR Alternative

At this time, the project description set forth in the City's pre-zoning, general plan amendment and project EIR does not include a school site on the property, but rather a subdivision for approximately 200 single-family homes and a 14-acre park. However, a project alternative in the EIR provides for a possible elementary school site. Although brought forward as a possible alternative to the project, no local agency has land use authority over the State that makes final determinations about school locations. However, the school district would still be required to have their own environmental review process for any possible future school site.

Land Use – Government Code provisions

The siting of a school in the proposal area is a land use issue and not appropriate for a LAFCO consideration. Although the Commission can condition a proposal, they cannot impose conditions that directly regulate land uses. Government Code Section 56886 states that no term or condition of project approval shall directly regulate land use, property development, or subdivision regulations. A factor that may be considered under Government Code Section 56668(b) is the need for organized community services. However, both school districts, Oxnard Union High School District and the Oxnard School District have indicated that they can serve the proposed development. It has also been made clear to LAFCO that the provision for a possible school site for the Oxnard School District is not a requirement or condition of the District to serve the proposed development in the proposal area.

Correspondence

Also attached to this memorandum are letters that LAFCO staff has received and letters that were distributed at the previous LAFCO meeting.

Attachments:

- 1) Revised Resolution for LAFCO 03-03; City of Oxnard Reorganization – Fifth & Patterson, LLC.
- 2) Revised Resolution for LAFCO 03-04; Calleguas Municipal Water District Annexation – Fifth & Patterson, LLC.
- 3) Staff Report for March 19, 2003
- 4) Letter from Oxnard School District and Mitigation Agreement between Fifth and Patterson, LLC and Oxnard School District
- 5) Correspondence from:
 - a) Donald Hollingsworth, dated February 5, 2003
 - b) Wayne and Mary Christlieb, dated March 21, 2003
 - c) David Ousley, dated March 15, 2003
 - d) Donald Hollingsworth, dated March 25, 2003
 - e) John Zaragoza, Airport Authority, dated July 18, 2002
 - f) City of Oxnard, Matthew Winegar, dated April 7, 2003
 - g) Aircraft Owners and Pilots Association, dated April 8, 2003

LAFCO 03-03

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS
AND APPROVING THE CITY OF OXNARD
REORGANIZATION – FIFTH AND PATTERSON, LLC;
ANNEXATION TO THE CITY OF OXNARD; DETACHMENT
FROM THE VENTURA COUNTY FIRE PROTECTION
DISTRICT; DETACHMENT FROM THE VENTURA
COUNTY RESOURCE CONSERVATION DISTRICT.**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Ventura Local Agency Formation Commission pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (Section 56000 of the California Government Code); and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the public hearing by the Commission on the proposal; and

WHEREAS, the proposal was duly considered on April 16, 2003, as specified in the notice of hearing; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the proposal including, but not limited to, the LAFCO Executive Officer's Staff Report and recommendation, the environmental document or determination, Sphere of Influence and applicable General and Specific Plans; and

WHEREAS, information satisfactory to this Commission has been presented that all the owners of land within the affected territory have given their written consent to the proposal; and

WHEREAS, information satisfactory to this Commission has been presented that all agencies having land detached within the affected territory have given their written consent for the proposal; and

WHEREAS, there is insufficient non-prime agricultural or vacant land within the exiting boundaries of the City of Oxnard planned and developable for the same general type of use; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Ventura Local Agency Formation Commission as follows:

- (1) The LAFCO Executive Officer's Staff Report and Recommendation for approval of the proposal dated April 16, 2003 is adopted.
- (2) Said Reorganization as set forth in Exhibit A and attached hereto is hereby approved as submitted.
- (3) Said territory is found to be uninhabited.
- (4) The subject proposal is assigned the following distinctive short form designation:

**LAFCO 03- 03 - CITY OF OXNARD REORGANIZATION –
FIFTH AND PATTERSON**

- (5) The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A attached hereto and made a part hereof.
- (6) The Commission has reviewed and considered the information contained in the Environmental Impact Report (EIR 02-04) prepared by the City of Oxnard as lead agency, and makes a specific determination that the significant issues and proposed Mitigation Measures and Statement of Overriding Conditions as adopted by the lead agency adequately address the project and hereby adopts the lead agency's Findings of Impacts and Mitigation Measures for the project and Statement of Overriding Considerations for agricultural resources [Sections 15080, 15090, 15091, 15093, and 15096(g)(h)(i)].
- (7) The Commission directs staff to file a Notice of Determination in the same manner as a lead agency under Section 15094.
- (8) **This annexation shall be recorded concurrent with LAFCO 03-04, Calleguas Municipal Water District Annexation – Fifth and Patterson LLC.**
- (9) The Commission determines that the project is in compliance with Government Code Section 56741 as the territory to be annexed is located within one county and is contiguous with the city boundaries of Oxnard.

- (10) The Commission waives the conducting authority's further proceedings, since satisfactory proof has been given that the subject property is uninhabited, that all landowners within the affected territory have given their written consent to the proposal, and that all affected agencies that will gain or lose territory as a result of the proposal have consented in writing to the waiver of conducting authority proceedings. [Government Code Section 56663].

This resolution was adopted on April 16, 2003.

AYES:

NOES:

ABSTAINS:

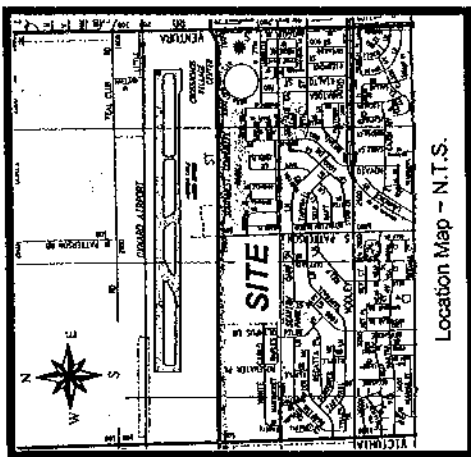
Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: City of Oxnard, Clerk
Ventura County Assessor
Ventura County Auditor
Ventura County Elections
Ventura County Surveyor
Ventura County Planning

The Ventura County Surveyor's office of the Public Works Agency certifies this map and legal description to be definite and certain.

Certified by: *Bill Lawford*

Date: 2/26/03

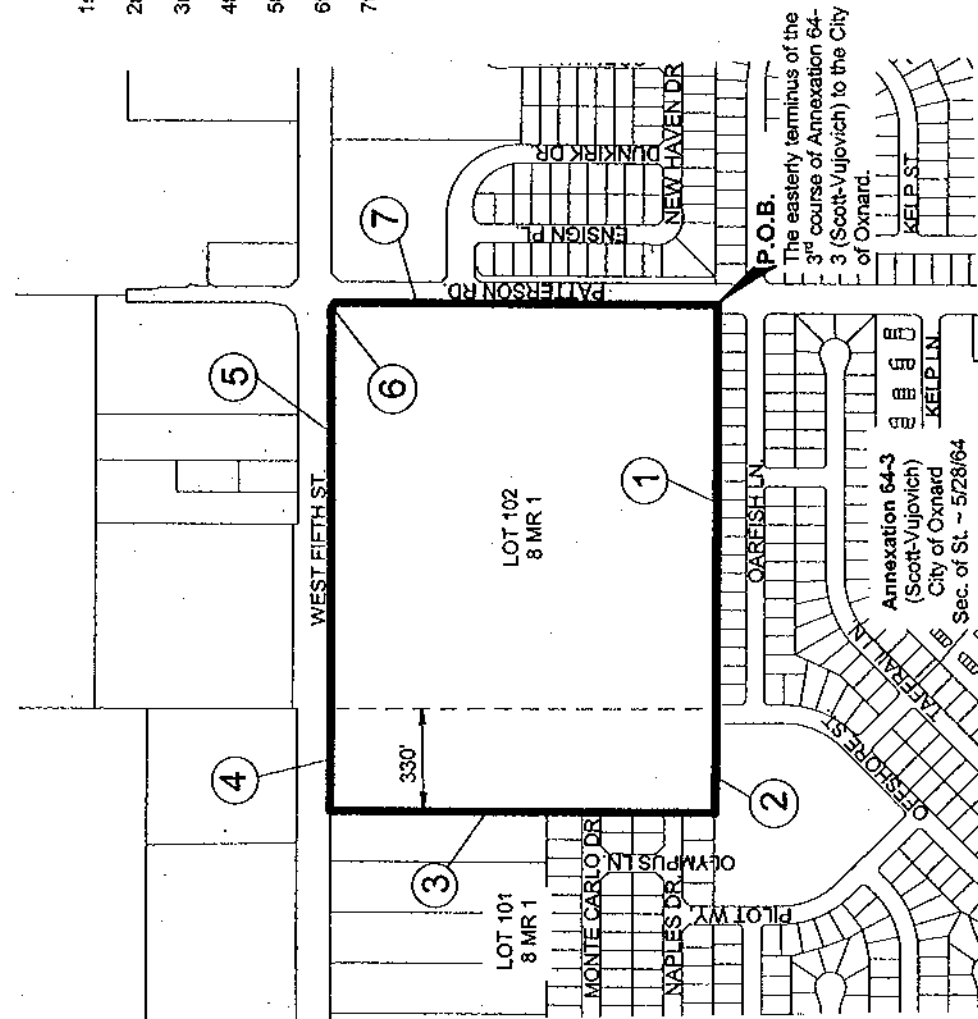


Prepared By:
Community Dynamics
8844 So. Sepulveda Boulevard
Los Angeles, CA 90045
(310) 568-2122

COURSES

- 1st - N 88°47'02" W 1330.09'
- 2nd - N 88°47'39" W 320.16'
- 3rd - N 01°12'01" E 1244.36'
- 4th - S 88°47'13" E 330.04'
- 5th - S 88°47'03" E 1295.35'
- 6th - R = 25.00'; L = 39.27"; D = 89°59'26"
- 7th - S 01°12'23" W 1219.33'

47.14 Acres



CITY OF OXNARD REORGANIZATION FIFTH & PATTERSON, LLC ANNEXATION TO THE CITY OF OXNARD AND DETACHMENT FROM THE VENTURA COUNTY FIRE PROTECTION DISTRICT AND DETACHMENT FROM THE VENTURA COUNTY RESOURCE CONSERVATION DISTRICT

Those portions of Lots 101 and 102 of the Patterson Ranch Subdivision, in the County of Ventura, State of California, said lots are shown on the map of said Patterson Ranch Subdivision recorded in the office of the County Recorder of said County in Book 8, Page 1 of Miscellaneous Records.

January 5, 2002 ~ Revised February 17, 2003

Sheet 1 of 1

Existing City of Oxnard Boundary
& Proposed Annexation Boundary



**CITY OF OXNARD REORGANIZATION
FIFTH & PATTERSON, LLC
ANNEXATION TO THE CITY OF OXNARD AND
DETACHMENT FROM THE VENTURA COUNTY FIRE
PROTECTION DISTRICT AND DETACHMENT FROM THE
VENTURA COUNTY RESOURCE CONSERVATION DISTRICT**

Those portions of Lots 101 and 102 of the Patterson Ranch Subdivision, in the County of Ventura, State of California, said lots are shown on the map of said Patterson Ranch Subdivision recorded in the office of the County Recorder of said County in Book 8, Page 1 of Miscellaneous Records, described as follows:

Beginning at the intersection of the south line of said Lot 102 and the west line of Patterson Road as said intersection is shown on said map of said Patterson Ranch Subdivision, said intersection also being the easterly terminus of the 3rd course of Annexation 64-3 (Scott-Vujovich) to the City of Oxnard as filed with the Secretary of State on May 28, 1964; thence, along the south lines of said Lots 101 and 102 by the following two courses and along the existing City of Oxnard boundary by the following seven courses:

- 1st - North 88°47'02" West 1330.09 feet; thence,
- 2nd - North 88°47'39" West 320.16 feet to a line that is parallel with and distant 330.00 feet westerly of the east line of said Lot 101; thence, along said parallel line,
- 3rd - North 01°12'01" East 1244.36 feet to the south line of West Fifth Street, 110.00 feet wide; thence, along said south line by the following three courses:
- 4th - South 88°47'13" East 330.04 feet; thence,
- 5th - South 88°47'03" East 1295.35 feet to the beginning of a curve concaved southwesterly and having a radius of 25.00 feet; thence, along said curve,
- 6th - Easterly, southeasterly, and southerly 39.27 feet through a central angle of 89°59'26" to said west line of said Patterson Road; thence, along said west line,
- 7th - South 01°12'23" West 1219.33 feet to the Point of Beginning and containing 47.14 acres.

The Ventura County Surveyor's office of the Public Works Agency certifies this map and legal description to be definite and certain.

C:\2002\02-01\02-01A LEGAL ~ 1/5/04 11:51 PM ~ REVISED 2/17/03

Certified by: *Zell Rawkins*
Date: *2/26/03*

LAFCO 03-04

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS
AND APPROVING THE CALLEGUAS MUNICIPAL WATER
DISTRICT ANNEXATION – FIFTH AND PATTERSON, LLC**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Ventura Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Government Reorganization Act of 2000; and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the consideration by the Commission on the proposal; and

WHEREAS, the proposal was duly considered on April 16, 2003; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the request including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, information satisfactory to the Commission has been presented that all the owners of land within the affected territory have given their written consent to the proposal; and

WHEREAS, the Ventura Local Agency Formation Commission finds the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Ventura Local Agency Formation Commission as follows:

- (1) The Executive Officer's Staff Report and Recommendation for approval of the proposal dated April 16, 2003 is adopted.
- (2) Said annexation as set forth in Exhibit A and attached hereto is hereby approved as submitted.
- (3) Said territory is found to be uninhabited.
- (4) The subject proposal is assigned the following short form designation:
**LAFCO 03-04 - CALLEGUAS MUNICIPAL WATER DISTRICT
ANNEXATION – FIFTH AND PATTERSON, LLC**
- (5) The boundaries of the affected territory are found to be definite and certain as approved.
- (6) The Commission has reviewed and considered the information contained in the Environmental Impact Report (EIR 02-04) prepared by the City of Oxnard as lead agency, and makes a specific determination that the

significant issues and proposed Mitigation Measures and Statement of Overriding Considerations as adopted by the lead agency adequately address the project and hereby adopts the lead agency's Findings of Impacts and Mitigation Measures for the project and Statement of Overriding Considerations for agricultural resources as adopted by the lead agency [Sections 15080, 15090, 15091, 15093, and 15096(g)(h)(i)].

- (6) The Commission directs staff to file a Notice of Determination in the same manner as a lead agency under Section 15094.
- (7) The proposal is subject to the following terms and conditions:
 - a. **This annexation shall be recorded concurrent with LAFCO 03-03, City of Oxnard – Fifth and Patterson, LLC.**
 - b. **This annexation shall not be recorded until and unless Calleguas Municipal Water District provides the Executive Officer with a certified copy of a resolution by Calleguas Municipal Water District accepting the terms and conditions of Metropolitan Water District of Southern California and directing the annexation of the proposal area depicted on Exhibit A.**
- (8) The Commission waives conducting authority proceedings, since satisfactory proof has been given that the subject property is uninhabited, that all landowners within the affected territory have given their written consent to the proposal, and that all affected agencies that will gain or lose territory as a result of the proposal have consented in writing to the waiver of conducting authority proceedings. [Government Code Section 56663].

This resolution was passed and adopted on April 16, 2003.

AYES:

NOES:

ABSTAINS:

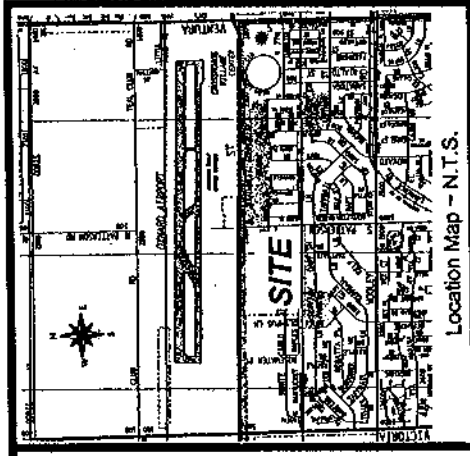
Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies:	Calleguas Municipal Water District	City of Oxnard
	Ventura County Elections	Ventura County Surveyor
	Ventura County Planning	Ventura County Assessor
	Ventura County Auditor	

The Ventura County Surveyor's office of the Public Works Agency certifies this map and legal description to be definite and certain.

Certified by: *Zell Rawls*

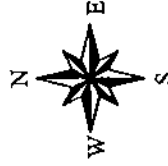
Date: 2/26/03



Prepared By:
Community Dynamics
2800 Twenty Eighth Street, Ste. 206
Santa Monica, CA 90405
(310) 396-7282

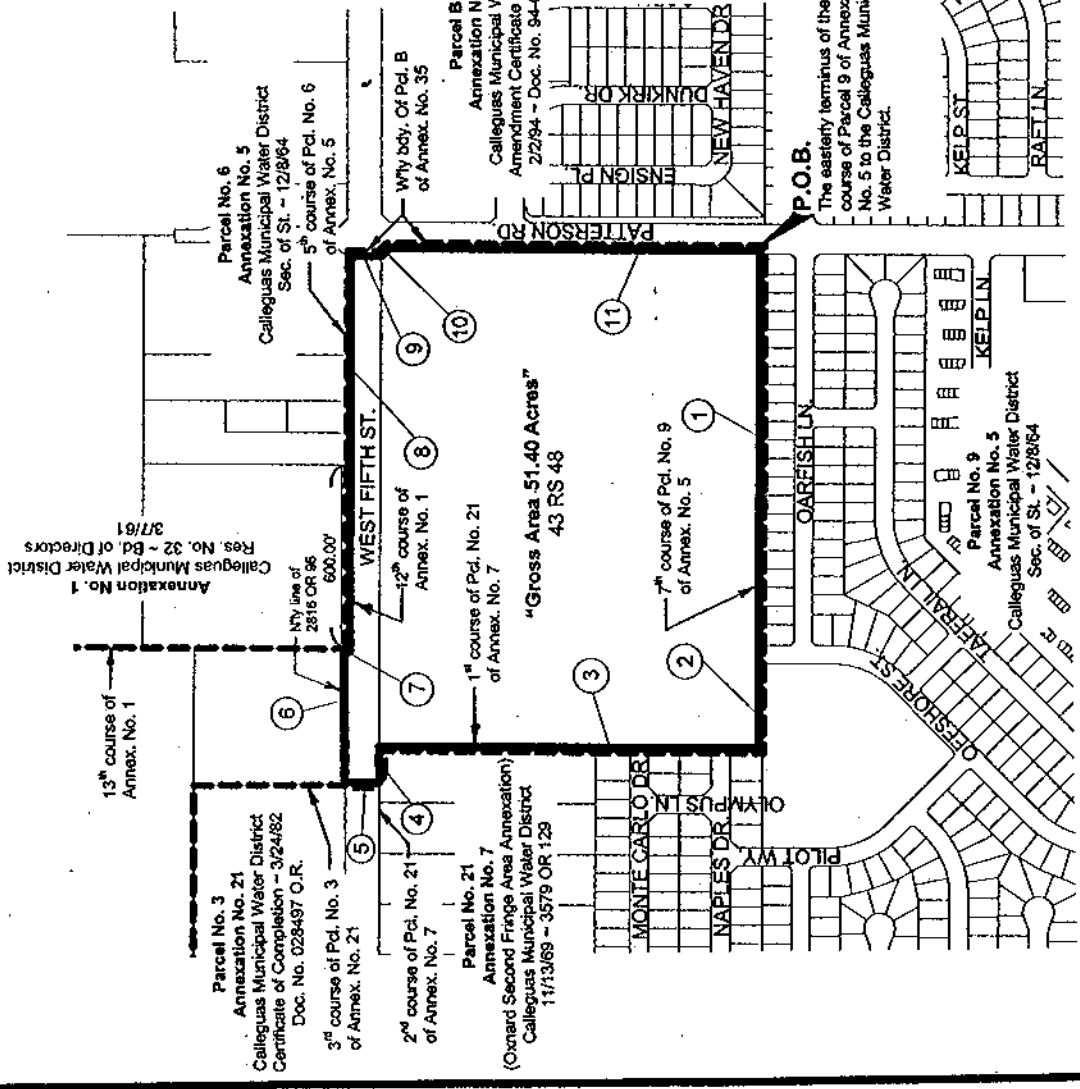
COURSES

1st -	N 88°47'02" W	1330.09'
2nd -	N 88°47'39" W	320.15'
3rd -	N 01°12'01" E	1244.36'
4th -	N 88°47'13" W	110.98'
5th -	N 01°13'14" E	110.00'
6th -	S 88°47'13" E	440.98'
7th -	S 01°13'14" W	4.00'
8th -	S 88°47'03" E	1295.38'
9th -	S 01°12'57" W	106.00' (RADIAL)
10th -	R = 25.00'; L = 39.27'; D = 89°59'26"	
11th -	S 01°12'23" W	1219.33'
51.40 Gross Acres		
4.26 Road Acres		
47.14 Net Acres		



CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION FIFTH & PATTERSON, LLC (ANNEXATION NO. 79)

Those portions of Lots 101, 102, 109 and 110, of the Patterson Ranch Subdivision, partially in the City of Oxnard and partially in the Unincorporated Territory, County of Ventura, State of California, said lots are shown on the map of said Patterson Ranch Subdivision recorded in the office of the County Recorder of said County in Book 8, Page 1 of Miscellaneous Records.



Existing Calleguas Municipal Water District Boundary
Proposed Annexation Boundary

**CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION
FIFTH & PATTERSON, LLC
(ANNEXATION NO. 79)**

Those portions of Lots 101, 102, 109 and 110, of the Patterson Ranch Subdivision, partially in the City of Oxnard and partially in the Unincorporated Territory, County of Ventura, State of California, said lots are shown on the map of said Patterson Ranch Subdivision recorded in the office of the County Recorder of said County in Book 8, Page 1 of Miscellaneous Records, described as follows:

Beginning at the southeasterly corner of the "Gross Area 47.14 Acres" parcel shown on the map filed in the office of said County Recorder in Book 43, Page 48 of Records of Survey, said corner also being the easterly terminus of the 7th course of Parcel No. 9 of Annexation No. 5 to the Calleguas Municipal Water District as filed with the Secretary of State on December 8, 1964; thence, along the boundary of said "Gross Area 47.14 Acres" parcel by the following three courses and along said 7th course by the following two courses:

1st - North 88°47'02" West 1330.09 feet; thence,

2nd - North 88°47'39" West 320.16 feet to the 1st course of Parcel No. 21 of Annexation No. 7 (Oxnard Second Fringe Area Annexation) to the Calleguas Municipal Water District as recorded on November 13, 1969 in the office of said County Recorder in Book 3579, Page 129 of Official Records; thence, along the boundary of said Parcel No. 21 by the following two courses:

3rd - North 01°12'01" East 1244.36 feet; thence,

4th - North 88°47'13" West 110.98 feet to the 3rd course of Parcel No. 3 of Annexation No. 21 to the Calleguas Municipal Water District as shown in the Certificate of Completion recorded on March 24, 1982 in the office of said County Recorder as Document No. 028497 of Official Records; thence, along said 3rd course,

5th - North 01°13'14" East 110.00 feet to the north line of West Fifth Street as described in the Easement Deed recorded on June 29, 1965 in the office of said County Recorder in Book 2816, Page 96 of Official Records; thence, along said north line,

6th - South 88°47'13" East 440.98 feet to the 13th course of the Annexation No. 1 to the Calleguas Municipal Water District, as described in Resolution No. 32, of the Board of Directors of said Calleguas Municipal Water District, adopted March 7, 1961; thence, along the boundary of said Annexation No. 1 by the following two courses:

7th - South 01°13'14" West 4.00 feet; thence,

- 8th - South $88^{\circ}47'03''$ East 1295.38 feet, at 600.00 feet begins the 5th course of Parcel No. 6 of said Annexation No. 5, at 1295.38 feet the westerly boundary of Parcel B of Annexation No. 35 to the Calleguas Municipal Water District as shown in the Amendment to Previously Recorded Certificate of Completion recorded on February 2, 1994 in the office of said County Recorder as Document No. 94-018919 of Official Records; thence, along said westerly boundary of said Parcel B by the following three courses:
- 9th - South $01^{\circ}12'57''$ West 106.00 feet to the beginning of a nontangent curve concaved southwesterly, having a radius of 25.00 feet, and having a radial to said beginning of said curve bearing North $01^{\circ}12'57''$ East, said beginning of said curve also being in the boundary of said "Gross Area 47.14 Acres" parcel; thence, along the boundary of said "Gross Area 47.14 Acres" parcel by the following two courses:
- 10th - Easterly, southeasterly, and southerly along said curve 39.27 feet through a central angle of $89^{\circ}59'26''$; thence,
- 11th - South $01^{\circ}12'23''$ West 1219.33 feet to the Point of Beginning.

51.40 Gross Acres
-4.26 Road Acres
47.14 Net Acres

The Ventura County Surveyor's office of the Public Works Agency certifies this map and legal description to be definite and certain.

Certified by: *Yell Rawkins*

Date: *2/26/03*